

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

EVIDENT TECHNOLOGIES, INC.

Debtor.

Case No. 09-12515
Chapter 11

**RESPONSE OF LIFE TECHNOLOGIES CORPORATION TO DEBTOR'S APPLICATION TO REJECT
EXECUTORY CONTRACTS OF eBIOSCIENCE, INC. PURSUANT TO 11 U.S.C. §365**

Life Technologies Corporation, by and through its counsel Lemery Greisler LLC, as and for its response to Debtor's Motion to Reject Executory Contracts of eBioscience, Inc. pursuant to 11 U.S.C. §365 respectfully states as follows:

1. Life Technologies Corporation ("LTC") is the successor to Invitrogen Corporation and, as such, is a creditor in this bankruptcy case due to patent infringement by Debtor Evident Technologies Inc. ("Debtor"). A copy of LTC's First Amended Complaint for Patent Infringement (without exhibits) is attached hereto as Exhibit "A."

2. Debtor has moved pursuant to 11 U.S.C. §365 to reject two executory agreements between Debtor and eBioscience, Inc. ("eBioscience"), an Exclusive License Agreement and a Supply Agreement.

3. With respect to the Motion, LTC takes no position other than to state that any Order resulting from the Motion should be without prejudice to rights of LTC as against Debtor and as against eBioscience, as those rights may exist against eBioscience, with respect to past and/or ongoing issues involving patent infringement and/or other claims and should be consistent with the limitations of relief available under 11 U.S.C. § 365 (n).

WHEREFORE, it is respectfully requested that should the Court grant Debtor's motion, that any such Order be submitted on notice to LTC's attorneys and provide that any relief granted is without prejudice to the rights of LTC and that the Court grant such other and further relief as may be deemed just, necessary and proper.

Dated: March 17, 2010

Respectfully submitted,

/s/Paul A. Levine, Esq.
Paul A. Levine, Esq.
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